

FIRST REGULAR SESSION

SENATE BILL NO. 119

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Pre-filed December 3, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0300S.01I

AN ACT

To repeal sections 196.976 and 196.984, RSMo, and to enact in lieu thereof two new sections relating to the prescription drug repository.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 196.976 and 196.984, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 196.976 and 196.984, to
3 read as follows:

196.976. 1. By January 1, 2005, the department of health and senior
2 services shall establish the "Prescription Drug Repository Program" to accept and
3 dispense prescription drugs donated for the purpose of being dispensed to persons
4 who are residents of Missouri and who meet eligibility requirements established
5 by rules promulgated pursuant to section 196.984.

6 2. The following criteria shall be used in accepting drugs for use in the
7 program:

8 (1) Only prescription drugs in their original sealed and tamper-evident
9 unit dose packaging shall be accepted and dispensed pursuant to the program;

10 (2) The packaging must be unopened; except that prescription drugs
11 packaged in single-unit doses may be accepted and dispensed when the outside
12 packaging is opened if the single-unit-dose packaging is undisturbed **and even**
13 **if one or more of the drugs have been dispensed so long as the**
14 **remaining drugs are kept sealed in the single-dose packaging and have**
15 **not been disturbed or tampered;**

16 (3) Prescription drugs donated by individuals shall bear the
17 manufacturer's lot number and an expiration date that is less than six months
18 from the date the prescription drug is donated shall not be accepted or dispensed;
19 and

20 (4) A prescription drug shall not be accepted or dispensed if there is
21 reason to believe that the drug is adulterated as described in section 196.095;

22 (5) Subject to the limitations specified in this section, unused prescription
23 drugs dispensed for purposes of a medical assistance program may be accepted
24 and dispensed under the prescription drug repository program.

196.984. 1. In consultation with the board of pharmacy, the director of
2 the department of health and senior services shall adopt and promulgate rules
3 to implement the prescription drug repository program. Such rules shall include:

4 (1) Eligibility criteria for pharmacies, hospitals, and nonprofit clinics to
5 receive and dispense donated prescription drugs under the program;

6 (2) Standards and procedures for accepting, safely storing, and dispensing
7 donated prescription drugs;

8 (3) Standards and procedures for inspecting donated prescription drugs
9 to determine that the original single-unit-dose packaging is sealed and
10 tamper-evident and that the prescription drugs are unadulterated, safe, and
11 suitable for dispensing **even if one or more of the drugs have been**
12 **dispensed so long as the remaining drugs are kept sealed in the single-**
13 **dose packaging and have not been disturbed or tampered;**

14 (4) Eligibility requirements for recipients in the program shall be based
15 on economic need for persons to receive prescription drugs under the
16 program. For purposes of this subdivision, "economic need" means a net family
17 income below three hundred percent of the federal poverty level;

18 (5) An identification card by which a person who is eligible to receive
19 donated prescription drugs under the program may demonstrate eligibility to the
20 pharmacy, hospital, or nonprofit clinic;

21 (6) A form that a person receiving a prescription drug from the program
22 must sign before receiving the drug to confirm that such person understands the
23 criminal and civil immunity from liability provisions of the program;

24 (7) Establishing a maximum handling fee that pharmacies, hospitals, and
25 nonprofit clinics may charge to drug recipients to cover restocking and dispensing
26 costs;

27 (8) For prescription drugs donated to the program by individuals:

28 (a) A list of prescription drugs, arranged by category or by individual
29 drug, that the program will and will not accept from individuals. If a drug is
30 ineligible for donation, the list must include a statement as to the reason the
31 drug is ineligible for donation; and

32 (b) A form each donor must sign stating that the donor is the owner of the
33 prescription drugs and intends to voluntarily donate such drugs to the program;

34 (9) For prescription drugs donated to the program by health care facilities,
35 a list of prescription drugs, arranged by category or by individual drug, that the
36 program will and will not accept from health care facilities. If a drug is ineligible
37 for donation, the list must include a statement as to the reason the drug is
38 ineligible for donation; and

39 (10) Any other standards and procedures the department deems
40 appropriate or necessary to implement the provisions of sections 196.970 to
41 196.984.

42 2. Any rule or portion of a rule, as that term is defined in section 536.010,
43 that is created under the authority delegated in sections 196.970 to 196.984 shall
44 become effective only if it complies with and is subject to all of the provisions of
45 chapter 536 and, if applicable, section 536.028. Sections 196.970 to 196.984 and
46 chapter 536 are nonseverable and if any of the powers vested with the general
47 assembly pursuant to chapter 536 to review, to delay the effective date, or to
48 disapprove and annul a rule are subsequently held unconstitutional, then the
49 grant of rulemaking authority and any rule proposed or adopted after August 28,
50 2004, shall be invalid and void.

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